

**REMARKS**

Claims 1-13 are pending in the present application. Claim 1 is independent.

**OBJECTION TO THE SPECIFICATION**

Applicants submit that the amendments to the specification render this rejection moot. Applicants respectfully request the Examiner to withdraw the objection to the specification.

**35 U.S.C. §112 REJECTION**

Applicants submit that amendments to the claims render this rejection now moot. Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112 rejection.

**REJECTION UNDER 35 U.S.C. § 102(a)**

Claims 1-4, 12 and 13 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Chheda. Applicants respectfully traverse this art grounds of rejection.

Applicants respectfully submit that Chheda fails to teach or suggest a method of processing soft handoff information at a base station, comprising, at least: “applying a rules set to the soft handoff information to determine changes in the active list, the rules set requiring more stringent conditions be met to add a base station to the active list when the active list includes a first number of base stations as compared to when the active list includes a second number of base stations the first number being greater than the second number”, as recited in claim 1.

Referring to Fig. 9 and col. 15, lines 31-61, Chheda discloses determining if the number of elements in the set  $Z$ ,  $N_z$  (where  $Z$  represents the set of dropped mobile units removed from the mobile station), of pilot signal strength is greater than, or equal to two at Step 908 then the absolute value of the **difference** in magnitude between the two strongest pilot signals is compared to threshold D2 (Step 916, lines 34-42). D2 represents a threshold difference to be used between the strongest and next strongest pilot signal. If the magnitude of difference is not less than or equal to the threshold D2, then a determination is made as to whether the number of members of the set  $Z$ ,  $N_z$  is greater than or equal to three (Step 917, lines 48-50). If so, it is determined whether the **difference** in pilot signal strength between signal P1 and P3 is less than or equal to a D3 threshold (Step 918, lines 53-56). Chheda thus uses differences in pilot signal strength to set a threshold. Chheda neither discloses nor suggests “applying a rules set to the soft handoff information to determine changes in the active list, the rules set requiring more stringent conditions be met to add a base station to the active list when the active list includes a first number of base stations as compared to when the active list includes a second number of base stations, the first number being greater than the second number”, as recited in claim 1.

Claims 2-4, 12 and 13, dependent upon claim 1, are patentable for the reasons stated above with respect to claim 1, as well as on their own merits.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

**REJECTION UNDER 35 U.S.C §103(a)**

Claims 5-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chheda. Applicants respectfully traverse.

As shown above, Chheda does not disclose or suggest features of claim 1. Claim 5-11, dependent upon claim 1, are patentable at least for the reasons stated above with respect to claim 1, as well as on their own merits.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

**CONCLUSION**

Reconsideration of the objections and rejections over allowance of each of claims 1-13 is earnestly solicited.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Gary Yacura at (703) 668-8023 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-

0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17;  
particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:  45,274

Gary D. Yacura

Registration No. 35,416

GDY/MJL/TN

P.O. Box 8910

Reston, Virginia 20195